

Ethan L. Shaw (TX Bar No. 18140480)
Matthew J. Riley (TX Bar No. 24070500)
Justin W. Fishback (TX Bar No. 24056736)
(Admitted Pro Hac Vice)
1609 Shoal Creek Blvd., Ste. 100
Austin, Texas 78701
elshaw@shawcowart.com
mriley@shawcowart.com
jfishback@shawcowart.com
(512) 499-8900 telephone
(512) 320-8906 facsimile

Attorneys for Plaintiff Darrell Poole

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE BARD IVC FILTERS PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

AMENDED MASTER SHORT FORM COMPLAINT FOR DAMAGES FOR INDIVIDUAL CLAIMS

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

DARRELL POOLE

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:

N/A

Shaw Covart, L.L.P.
11609 Shoal Creek Blvd., Ste. 100
Austin, Texas 78701

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
1 conservator):
2

N/A

3. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
4 the time of implant:
5

FLORIDA

6. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
7 the time of injury:
8

FLORIDA

9. Plaintiff's current state(s) [if more than one Plaintiff] of residence:
10

FLORIDA

11. District Court and Division in which venue would be proper absent direct filing:
12

MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE DIVISION

13. Defendants (check Defendants against whom Complaint is made):
14

C.R. Bard Inc.

Bard Peripheral Vascular, Inc.

16. Basis of Jurisdiction:
17

Diversity of Citizenship

18. Other: _____
19

20. a. Other allegations of jurisdiction and venue not expressed in Master
Complaint:
21
22

1

2

1

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

- Recovery® Vena Cava Filter
 - G2® Vena Cava Filter
 - G2® Express (G2®X) Vena Cava Filter
 - Eclipse® Vena Cava Filter
 - Meridian® Vena Cava Filter
 - Denali® Vena Cava Filter
 - Other: _____

11. Date of Implantation as to each product:

JULY 30, 2014

12. Counts in the Master Complaint brought by Plaintiff(s):

- Count I: Strict Products Liability – Manufacturing Defect
 - Count II: Strict Products Liability – Information Defect (Failure to Warn)
 - Count III: Strict Products Liability – Design Defect
 - Count IV: Negligence - Design
 - Count V: Negligence - Manufacture
 - Count VI: Negligence – Failure to Recall/Retrofit

- 1 Count VII: Negligence – Failure to Warn
2 Count VIII: Negligent Misrepresentation
3 Count IX: Negligence *Per Se*
4 Count X: Breach of Express Warranty
5 Count XI: Breach of Implied Warranty
6 Count XII: Fraudulent Misrepresentation
7 Count XIII: Fraudulent Concealment
8 Count XIV: Violations of Applicable Florida Law Prohibiting
9 Consumer Fraud and Unfair and Deceptive Trade Practices
10 Count XV: Loss of Consortium
11 Count XVI: Wrongful Death
12 Count XVII: Survival
13 Punitive Damages
14 Other(s): All claims for relief set forth in the Master Complaint for
15 an amount to be determined by the trier of fact.
16 (please state the facts supporting this Count in the space immediately
17 below)
18 _____
19 _____
20 Plaintiff demands a jury trial.

RESPECTFULLY SUBMITTED this 17th day of March, 2016.

SHAW COWART, LLP

By: /s/ Ethan L. Shaw

Ethan L. Shaw (TX Bar No. 18140480)
Matthew J. Riley (TX Bar No. 24070500)
Justin W. Fishback (TX Bar No. 24056736)
(Admitted Pro Hac Vice)
1609 Shoal Creek Blvd., Ste. 100
Austin, Texas 78701
(512) 499-8900 telephone
(512) 320-8906 facsimile
elshaw@shawcowart.com
mriley@shawcowart.com
jfishback@shawcowart.com

Attorneys for Plaintiff Darrell Poole

Certificate of Service

I hereby certify that on this 17th day of March, 2016, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Ethan L. Shaw